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FREEDOM OF INFORMATION ACT REQUEST

December 17, 2012

SENT VIA U.S. MAIL

Larry Gottesman
National Freedom of Information Officer (2822T)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Freedom of Information Act Request

Dear Mr. Gottesman:

Pursuant to the federal Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and corresponding Environmental Protection Agency ("EPA") regulations, 40 C.F.R. §§ 2.100 – 2.406, I request, on behalf of Consumer Watchdog, access to and copies of:

1. Any and all records that relate to or reference the accuracy of the gasoline consumption and/or fuel economy estimates, expressed in miles per gallon ("MPG"), of the following vehicles manufactured by Hyundai Motor America and/or Hyundai Motor Company ("Hyundai"), and Kia Motor America and/or Kia Motors Corporation ("Kia"):
 - a. Hyundai Accent, model years 2012-2013,
 - b. Hyundai Azera, model years 2012-2013,
 - c. Hyundai Elantra, model years 2011-2013,
 - d. Hyundai Elantra Coupe, model year 2013,
 - e. Hyundai Elantra GT, model year 2013,
 - f. Hyundai Genesis, model years 2012-2013,
 - g. Hyundai Sante Fe Sport, model year 2013
 - h. Hyundai Sonata HEV, model years 2011-2012,
 - i. Hyundai Tucson, model years 2012-2013,
 - j. Hyundai Veloster, model years 2012-2013,
 - k. Kia Optima HEV, model years 2011-2012,
 - l. Kia Rio, model years 2012-2013,
 - m. Kia Sorento, model years 2012-2013,
 - n. Kia Soul, model years 2012-2013,
 - o. Kia Soul ECO, model years 2012-2013, and
 - p. Kia Sportage, model years 2012-2013.
2. Any and all communications between Hyundai and the EPA related to the accuracy of the gasoline consumption and/or fuel economy MPG estimates for the vehicles listed under Request No. 1, above, preceding and following the EPA's November 2, 2012

announcement regarding MPG data submitted to the EPA by Hyundai and Kia ("EPA Announcement") (See Exhibit A, Press Release, EPA, Hyundai/Kia to Correct Overstated MPG Claims as Result of EPA Investigation (Nov. 2, 2012));

3. Any and all communications between Kia and the EPA related to the accuracy of the gasoline consumption and/or fuel economy MPG estimates for the vehicles listed under Request No. 1, above, preceding and following the EPA Announcement;
4. Any and all communications between Hyundai and the EPA related to Hyundai's Reimbursement Program preceding and following the EPA Announcement (See Exhibit B, Press Release, Hyundai Motor America, Hyundai and Kia Initiate Voluntary Program to Adjust Fuel Economy Ratings on Select Vehicles (Nov. 2, 2012));
5. Any and all communications between Kia and the EPA related to Kia's Reimbursement Program (Exhibit B) preceding and following the EPA Announcement;
6. Any and all records that relate to or reference MPG data submitted to the EPA by Hyundai for the vehicles listed under Request No. 1, above, preceding and following the EPA Announcement; and
7. Any and all records that relate to or reference MPG data submitted to the EPA by Kia for the vehicles listed under Request No. 1, above, preceding and following the EPA Announcement.

Although relevant records may be maintained by the EPA in other locations, I have reason to believe that relevant records may be at the EPA National Vehicle and Emissions Laboratory maintained in Ann Arbor, Michigan.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law. If the records are redacted, please justify each redaction separately by reference to specific exemptions of the Act, and release all reasonably segregable portions of otherwise exempt material. Please send me documentation of any similar requests.

Please notify me before incurring more than \$150 of expenses. The information is intended for non-profit consumer research that, as the fee waiver requires, is "likely to contribute significantly to public understanding of the operations or activities of the government." I ask that you waive all fees.

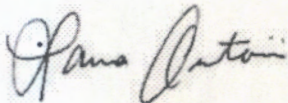
Consumer Watchdog is a nationally recognized nonpartisan, nonprofit organization representing the interests of taxpayers and consumers. Consumer Watchdog is dedicated to protecting consumers from rising energy costs. Consumer Watchdog has been monitoring the accuracy of Hyundai's advertised and reported fuel economy values since November 2011 and has initiated policy and litigation efforts related to the issue.

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This information is of timely value, so please communicate questions by telephone rather than by mail. I look forward to your reply within 20 business days, as the statute requires. You may reach me at (310) 392-0522 ext. 318, or at laura@consumerwatchdog.org.

Thank you for your consideration of this request.

Regards,

A handwritten signature in dark ink, appearing to read "Laura Antonini". The signature is fluid and cursive, with the first name "Laura" and last name "Antonini" clearly distinguishable.

Laura Antonini, Esq.
Staff Attorney
Consumer Watchdog
2701 Ocean Park Blvd. Suite 112
Santa Monica, CA 90405
Phone: 310-392-0522 ext. 318

EXHIBIT A

Newsroom

News Releases By Date

Hyundai/Kia to Correct Overstated MPG Claims as Result of EPA Investigation

Release Date: 11/02/2012

Contact Information: Cathy Milbourn (NEWS MEDIA ONLY) Milbourn.cathy@epa.gov 202-564-7849 202-564-4355

WASHINGTON - The U.S. Environmental Protection Agency (EPA) today announced that Hyundai Motor America and Kia Motors America will lower their fuel economy (mpg) estimates for the majority of their model year 2012 and 2013 models after EPA testing found discrepancies between agency results and data submitted by the company.

The auto companies have submitted to the EPA a plan for cars currently on dealer lots to be re-labeled with new window stickers reflecting the corrected mileage estimates. The mileage on most vehicle labels will be reduced by one to two mpg, and the largest adjustment will be six mpg highway for the Kia Soul.

"Consumers rely on the window sticker to help make informed choices about the cars they buy," said Gina McCarthy, assistant administrator for EPA's Office of Air and Radiation. "EPA's investigation will help protect consumers and ensure a level playing field among automakers."

At its National Vehicle and Fuel Emission Laboratory (NVFEL) in Ann Arbor, Mich., EPA routinely tests vehicles – 150 to 200 a year, or about 15 percent of the possible vehicle configurations – to ensure that their performance matches the mileage and emissions data required to be submitted to EPA by automakers.

This auditing helps to ensure that vehicles on the road meet tailpipe emission standards to protect public health and the environment and that all carmakers follow the same procedures for calculating mileage estimates. EPA conducts both random and targeted audits, based on factors such as consumer complaints.

EPA had received a number of consumer complaints about Hyundai mileage estimates. Through the agency's ongoing audit program, staff experts at EPA's NVFEL observed discrepancies between results from EPA testing of a MY2012 Hyundai Elantra and information provided to EPA by Hyundai.

The agency expanded its investigation into data for other Hyundai and Kia vehicles, leading to today's announcement.


EPA's audit testing occasionally uncovers individual vehicles whose label values are incorrect and requires that the manufacturer re-label the vehicle. This has happened twice since 2000. This is the first time where a large number of vehicles from the same manufacturer have deviated so significantly.


EPA and DOE are updating their joint fuel economy site, www.fueleconomy.gov, to reflect the Hyundai and Kia corrected numbers.

For more information, please see: <http://www.epa.gov/fueleconomy/labelchange.htm>

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Recent additions

- 11/11/2012 [EPA, State and County to Launch Household Hazardous Waste Pickup and Drop-Off in Suffolk County](#)
- 11/08/2012 [Los Angeles Companies Agree to Pay \\$140,000 for Clean Air Act Violations](#)
- 11/08/2012 [Johnstown Wire Settles Violations of Chemical Reporting Requirements at Johnstown, Pa. Plant](#)
- 11/08/2012 [Public Meeting on 2012 E. Long Island Sound Dredged Material Supplemental EIS](#)
- 11/07/2012 [U.S. EPA, DoD Northern Command Providing Hazardous Material Response Equipment to Border Towns](#)

EXHIBIT B

NEWS | PRESS RELEASES

MAIN MEDIA

CHRIS HOSFORD
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ALL CONTACTS

DOWNLOAD EMAIL PRINT SHARE

ID: 37747

HYUNDAI AND KIA INITIATE VOLUNTARY PROGRAM TO ADJUST FUEL ECONOMY RATINGS ON SELECT VEHICLES



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Dallas, TX 75244
Tel: 972-282-2000
www.hyundaiusa.com



Kia Motors America, Inc.
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Automakers' Average Fuel Economy Rating Reduced 3 Percent;

Affected Vehicle Owners to be Compensated

ORANGE COUNTY, Nov. 2 – Hyundai Motor America and Kia Motors America today announced that, following discussions with the U.S. Environmental Protection Agency (EPA), they are voluntarily adjusting the fuel economy ratings for approximately 900,000, or 35 percent of, 2011-13 model year vehicles sold through October 31, 2012.

Procedural errors at the automakers' joint testing operations in Korea led to incorrect fuel economy ratings for select vehicle lines. As part of Hyundai/Kia's corrective actions, the fuel economy ratings for vehicles currently in showrooms are being voluntarily relabeled. With these changes, the 2012 Hyundai/Kia fleet fuel economy level is reduced by an average of 3 percent – from 27 to 26 MPG.

"I sincerely apologize to all affected Hyundai and Kia customers, and I regret these errors occurred," said Dr. W. C. Yang, chief technology officer of Hyundai/Kia research and development. "Following up on the EPA's audit results, we have taken immediate action to make the necessary rating changes and process corrections."

Both companies are putting in place a comprehensive reimbursement program for affected current and former vehicle owners to cover the additional fuel costs associated with the fuel economy rating change. Customers will receive a personalized debit card that will reimburse them for their difference in the EPA combined fuel economy rating, based on the fuel price in their area and their own actual miles driven. In addition, as an acknowledgement of the inconvenience this may cause, we will add an extra 15 percent to the reimbursement amount. Current owners will be able to refresh their debit card for as long as they own the vehicle. Prior owners of affected vehicles who have already sold their cars will also be reimbursed using the same formula. For more information about reimbursement and a complete list of eligible vehicles, customers can visit www.HyundaiMPGinfo.com and www.KiaMPGinfo.com.

The fuel economy rating discrepancies resulted from procedural errors during a process called "coastdown" testing at the companies' joint testing operations in Korea. Coastdown testing simulates aerodynamic drag, tire rolling resistance and drivetrain frictional losses and provides the technical data used to program the test dynamometers that generate EPA fuel economy ratings. Affected vehicles and their before-and-after EPA estimates are shown in the attachment.

Hyundai and Kia will continue to advance improvements in fuel efficiency through technology and innovation, and continue to fully support the recent rulemaking issued by EPA and the National Highway Traffic Safety Administration.

"Given the importance of fuel efficiency to all of us, we're extremely sorry about these errors," said John Krafcik, president and CEO of Hyundai Motor America. "When we say to Hyundai owners, 'We've got your back,' that's an assurance we don't take lightly. We're going to make this right for everyone, and we'll be more driven than ever to ensure our vehicles deliver outstanding fuel economy."

"As a customer-focused organization, we are fully committed to providing consumers with complete and accurate information, and deeply regret the errors were made," said Byung Mo Ahn, group president and CEO, Kia Motors America and Kia Motors Manufacturing Georgia. "Our reimbursement program is intended to ensure that all affected Kia customers quickly receive fair compensation."

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ADVANCED SEARCH

PR CONTACTS

HYUNDAI.COM

40 mpg accent awards
blue link elantra
genesis i30 santa fe
sonata sonata hybrid
veloster warranty

MEDIA KITS



2012 SEMA

HYUNDAI MOTOR AMERICA

Hyundai Motor America, headquartered in Costa Mesa, Calif., is a subsidiary of Hyundai Motor Co. of Korea. Hyundai vehicles are distributed throughout the United States by Hyundai Motor America and are sold and serviced through more than 800 dealerships nationwide. All Hyundai vehicles sold in the U.S. are covered by the Hyundai Assurance program, which includes the 5-year/60,000-mile fully transferable new vehicle warranty, Hyundai's 10-year/100,000-mile powertrain warranty, and five years of complimentary Roadside Assistance. Information about Hyundai Motor America and its full vehicle line-up is available at its website – www.hyundai.com. For media information, including photography, visit www.hyundainews.com.

KIA MOTORS AMERICA

Kia Motors America is the marketing and distribution arm of Kia Motors Corporation based in Seoul, South Korea. KMA offers a complete line of vehicles through more than 755 dealers throughout the United States and serves as the "Official Automotive Partner" of the NBA and PGA. In 2011, KMA recorded its best-ever annual sales total and became one of the fastest growing car companies¹ in the U.S. Kia is poised to continue its momentum and will continue to build the brand through design innovation, quality, value, advanced safety features and new technologies.

Information about Kia Motors America and its full vehicle line-up is available at its website – www.kia.com. For media information, including photography, visit www.kiamedia.com.

1 Based on 5-year cumulative growth between 12-month retail sales for periods ending September 2007 and September 2012 of all U.S. automotive brands.

2 MSRP includes \$775 destination and handling fee, but not title, taxes, license, options and dealer charges. Actual prices set by dealer and may vary.

3 EPA fuel economy estimates 22 mpg/city and 34 mpg/hwy for 2013 Optima SX. Actual mileage will vary.

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NOTE: MEDIA TELECONFERENCE TO BE HELD AT 7 A.M. PACIFIC

DIAL IN: (866) 603-6998

ACCESS CODE: 64427066

HYUNDAI FUEL ECONOMY ESTIMATES

	Current Fuel Economy Label			Modified Fuel Economy Label		
	(MPG)			(MPG)		
	City	Hwy	Combined	City	Hwy	Combined
2011 Models						
Elantra						
A-6, 1.8L, 4cyl	29	40	33	28	38	32
M-6, 1.8L, 4cyl	29	40	33	28	38	32
Sonata HEV						
	35	40	37	34	39	36
2012 Models						
Accent						
A-6, 1.6L, 4cyl	30	40	33	28	37	31
M-6, 1.6L, 4cyl	30	40	34	28	37	32

Azera

A-6, 3.3L, 6cyl	20	29	23	20	28	23
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Elantra

A-6, 1.8L, 4cyl	29	40	33	28	38	32
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M-6, 1.8L, 4cyl	29	40	33	28	38	32
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Genesis

A-8, 3.8L, 6cyl	19	29	22	18	28	22
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A-8, 4.6L, 8cyl	17	26	20	16	25	19
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A-8, 5.0L, 8cyl	17	26	20	17	25	20
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(R-Spec) A-8, 5.0L, 8cyl	16	25	19	16	25	18
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Sonata HEV

	35	40	37	34	39	36
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Tucson 2WD

A-6, 2.0L, 4cyl	23	31	26	22	29	25
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M-5, 2.0L, 4cyl	20	27	23	20	26	22
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A-6, 2.4L, 4cyl	22	32	25	21	30	25
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Tucson 4WD

A-6, 2.4L, 4cyl	21	28	23	20	27	23
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Veloster

AM-6, 1.6L, 4cyl	29	38	32	27	35	30
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M-6, 1.6L, 4cyl	28	40	32	27	37	31
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2013 Models

Accent

A-6, 1.6L, 4cyl	30	40	33	28	37	31
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M-6, 1.6L, 4cyl	30	40	34	28	37	32
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Azera

A-6, 3.3L, 6cyl	20	30	24	20	29	23
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Elantra

A-6, 1.8L, 4cyl	29	40	33	28	38	32
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M-6, 1.8L, 4cyl	29	40	33	28	38	32
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A-6, 1.8L, 4cyl	30	40	34	28	38	32
Elantra Coupe						
A-6, 1.8L, 4cyl	28	39	32	27	37	31
M-6, 1.8L, 4cyl	29	40	33	28	38	32
Elantra GT						
A-6, 1.8L, 4cyl	28	39	32	27	37	30
M-6, 1.8L, 4cyl	27	39	31	26	37	30
Genesis						
A-8, 3.8L, 6cyl	19	29	22	18	28	22
(R-Spec) A-8, 5.0L, 8cyl	16	25	19	16	25	18
Santa Fe Sport 2WD						
A-6, 2.0L, 4cyl (*T)	21	31	25	20	27	23
A-6, 2.4L, 4cyl	22	33	26	21	29	24
Santa Fe Sport 4WD						
A-6, 2.0L, 4cyl (*T)	20	27	22	19	24	21
A-6, 2.4L, 4cyl	21	28	23	20	26	22
Tucson 2WD						
A-6, 2.0L, 4cyl	23	31	26	22	29	25
M-5, 2.0L, 4cyl	20	27	23	20	26	22
A-6, 2.4L, 4cyl	22	32	25	21	30	25
Tucson 4WD						
A-6, 2.4L, 4cyl	21	28	23	20	27	23
Veloster						
AM-6, 1.6L, 4cyl	29	40	33	28	37	31
A-6, 1.6L, 4cyl (*T)	25	34	29	24	31	28
M-6, 1.6L, 4cyl	28	40	32	27	37	31
M-6, 1.6L, 4cyl (*T)	26	38	30	24	35	28

KIA FUEL ECONOMY ESTIMATES

	Current Fuel Economy Label	Modified Fuel Economy Label

	(MPG)			(MPG)		
	City	Hwy	Combined	City	Hwy	Combined
2011 Models						
Optima HEV						
	35	40	37	34	39	36
2012 Models						
Rio						
A-6, 1.6L, 4cyl	30	40	33	28	36	31
M-6, 1.6L, 4cyl	30	40	34	29	37	32
Sorento 2WD						
A-6, 2.4L, 4cyl (*GDI)	22	32	25	21	30	24
Sorento 4WD						
A-6, 2.4L, 4cyl (*GDI)	21	28	23	20	26	22
Soul						
A-6, 1.6L, 4cyl	27	35	30	25	30	27
M-6, 1.6L, 4cyl	27	35	30	25	30	27
A-6, 2.0L, 4cyl	26	34	29	23	28	25
M-6, 2.0L, 4cyl	26	34	29	24	29	26
Soul ECO						
A-6, 1.6L, 4cyl	29	36	32	26	31	28
A-6, 2.0L, 4cyl	27	35	30	24	29	26
Sportage 2WD						
A-6, 2.0L, 4cyl (*T)	22	29	24	21	28	24
A-6, 2.4L, 4cyl	22	32	25	21	30	25
M-6, 2.4L, 4cyl	21	29	24	20	27	23
Sportage 4WD						
A-6, 2.0L, 4cyl (*T)	21	26	23	20	25	22
A-6, 2.4L, 4cyl	21	28	24	20	27	23
2013 Models						
Rio						

A-6, 1.6L, 4cyl	30	40	33	28	36	31
M-6, 1.6L, 4cyl	30	40	34	29	37	32
(Eco) A-6, 1.6L, 4cyl	31	40	34	30	36	32
Sorento 2WD						
A-6, 2.4L, 4cyl (*SIDI)	22	32	25	21	30	24
Sorento 4WD						
A-6, 2.4L, 4cyl (*GDI)	21	28	23	20	26	22
Soul						
A-6, 1.6L, 4cyl	27	35	30	25	30	27
M-6, 1.6L, 4cyl	27	35	30	25	30	27
A-6, 2.0L, 4cyl	26	34	29	23	28	25
M-6, 2.0L, 4cyl	26	34	29	24	29	26
Soul ECO						
A-6, 1.6L, 4cyl	29	36	32	26	31	28
A-6, 2.0L, 4cyl	27	35	30	24	29	26
Sportage 2WD						
A-6, 2.0L, 4cyl	22	29	24	21	28	24
A-6, 2.4L, 4cyl	22	32	25	21	30	25
M-6, 2.4L, 4cyl	21	29	24	20	27	23
Sportage 4WD						
A-6, 2.0L, 4cyl	21	26	23	20	25	22
A-6, 2.4L, 4cyl	21	28	24	20	27	23